## UNITED STATES DISTRICT COURT DISTRICT OF MAINE

UNITED STATES OF AMERICA,	)	
	)	
	)	
	)	
v.	)	No. 2:00-cr-00077-GZS
	)	
MITCHELL WALL,	)	
	)	
Defendant	)	
	)	

## ORDER AFFIRMING THE RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on April 2 2013, her Recommended Decision (ECF No. 76). Defendant filed his Objection to the Recommended Decision (ECF No. 78) on April 15, 2013.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a <u>de novo</u> determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

- 2. It is hereby **ORDERED** that the Court considers Defendant's Motion for an Evidentiary Hearing a second motion pursuant to 28 U.S.C. §2255; therefore, it is **ORDERED** that the motion (ECF No. 75) is **SUMMARILY DISMISSED WITHOUT PREJUDICE** to Defendant's right to pursue whatever relief is available in the First Circuit Court of Appeals.
- 3. It is hereby **ORDERED** that no certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2255 cases shall be issued should Defendant seek to appeal this order because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).
- 4. To the extent that Defendant's Objection is interpreted to request that this Court transfer the recommended decision to the First Circuit Court of Appeals for decision, that request is **DENIED**. The Court will however consider the request as a Notice of Appeal.

/s/George Z. Singal_	
U.S. District Judge	

Dated this 16th day of April, 2013.